

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of L.S., J.S., and E.L., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KERRY L. TOEPFER,

Respondent-Appellant,

and

DAVID LUDWICK,

Respondent.

UNPUBLISHED

January 17, 2003

No. 239481

Roscommon Circuit Court

Family Division

LC No. 00-722021-NA

Before: Cooper, P.J., and Bandstra and Talbot, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i). We affirm.

The trial court did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant's protective services history was long-running, and the same failure to provide a clean, safe, appropriate living environment for the children existed for several years prior to termination of her parental rights. The fact that the trial court did not immediately remove the children from her care, but instead gave respondent-appellant intensive assistance in an attempt to help her retain custody of her children, should not be construed as an indication that respondent-appellant did not have conditions to rectify.

We note that the trial court did not make separate findings regarding the children's best interests or indicate that it considered the best interests step. However, the findings that the trial court made did indicate that the evidence failed to show that termination was clearly not in the children's best interests.

We affirm.

/s/ Jessica R. Cooper
/s/ Richard A. Bandstra
/s/ Michael J. Talbot